HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.780 of 2007

Dated:01.02.2007

Between:

Sabbarapu Chinnayerukamma.

...Petitioner

and

Govt. of A.P., and others.

...Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.780 of 2007

ORDER:

The petitioner is statedly in occupation of land admeasuring Acs.4.00 in Survey No.45/1 including the land admeasuring Ac.1.70 cents, which was allegedly assigned to her on 28.04.1987, situated on the bank of Demudu Garuvu tank at Dopparla Village of Achyutapuram Mandal in Visakhapatnam District. She alleges that at the behest of the M.L.A of Yelamanchili Constituency, the second respondent is bent upon taking coercive steps to evict the petitioner even though the application made by her for grant of patta is pending with the Mandal Revenue Officer. Therefore, she filed the instant Writ Petition seeking a writ of mandamus directing the respondents to assign the land in her favour to an extent of Acs.2.30 cents in Survey No.45/1 and for a declaration that the action of the second respondent in trying to evict her as illegal and arbitrary.

The matter initially came up before this Court on 11.01.2007. This Court while directing the learned Assistant Government Pleader for Revenue (General-A) to file counter ordered *status quo*. Again when the matter was listed on 25.01.2007, the learned Assistant Government Pleader sought time for getting instructions. Today after getting instructions, the learned Assistant Government Pleader submits that the petitioner is in occupation of tank poramboke land and no land was assigned to her. He also submits that the Writ Petition is filed on a mere apprehension, and due process will be followed before evicting

the petitioner from the tank poramboke land. The same is recorded. This Court further observes that if the petitioner is in occupation of the land, unless and until she is given a notice and enquiry is conducted, her possession cannot be disturbed.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.02.2007
vs